DOCID: 4165194 TO ECRET/COMINT//NOFORN/ 291123



NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755-6000

28 February 2006

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//FOUO) Report to the Intelligence Oversight Board on NSA

Activities - INFORMATION MEMORANDUM

(U//FOUO) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 December 2005 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U/FOUO) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JØEL F. BRENNER

Inspector General

KOBERT L. DEITZ General Counsel

(U//FOUO) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KETTH'B. ALEXANDER

Lieutenant General, U. S. Army Director, NSA/Chief, CSS

Encl:

Quarterly Report

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

This Memorandum is Unclassified Upon Removal of Enclosure **DERIVED FROM: NSA/CSSPM 1-52**

DATED: 23NOV04

DECLASSIFY ON: 20291123

TOP SECRET//COMINT//NOFORN//20 to 129

1. (U) INSPECTOR GENERAL ACTIVITIES

a. (C//SI) During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (E.O.s), Attorney General (AG) procedures, and Department of Defense (DoD) and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

b. (U// FOUO) Resulting from issues raised in intelligence oversight reporting,
the OIG has begun a special study of the access to Signals Intelligence (SIGINT) by
The objectives of the special study include
determining whether that receive
SIGINT have the proper authorization to receive SIGINT, have been provided
guidance on how to properly handle and use SIGINT, and have adhered to the
authority of E.O. 12333 and related directives regarding awareness, protections,
and reporting of U.S. person information. The study results will be reported upon
completion. (b) (3)-P.L. 86-36
(b) (3) 1.11. 00 30
c. (U//FOUO) As research has begun on the aforementioned special study, initial
data collected on one points to possible E.O. 12333 infractions
in areas unrelated to NSA/CSS. We are reviewing that data for referral to the
appropriate agency.
(b)(3)-P.L. 86-3
d. (U// FOUO) First reported in the fourth quarter fiscal year 2005 (report dated
14 December 2005), the NSA/CSS OIG reviewed an incident that occurred during
an operations readiness assessment of the We found
that the NSA violated National Security Directive by erroneously
exercise to assess the vulnerability of
computer networks. This error occurred because of an inconsistency in the target
validation process. Agency management has revised the
to reduce the risk of future violations. (b) (3)-P.L. 86-36
e. (U// FOUO) Along with inspectors from the
the NSA OIG completed a joint inspection of the
Our most serious intelligence oversight finding was that
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the site violated intelligence oversight procedures.	
without submitting a test plan for review and	
approval by the NSA/CSS Office of General Counsel (OGC). Other weaknesses were	
found in training and program management. NSA/CSS OIG will monitor the	
deficiencies through correction.	-36
f. (II/ FOHO) As reported in the third quester figarl year 2005 (report deted 17	
f. (U// FOUO) As reported in the third quarter fiscal year 2005 (report dated 17 may 2005), inspectors from the	
the NSA OIG conducted a joint	
inspection of the	
Action has been completed to rectify the weakness in its training program, which	
has been amended to provide intelligence oversight training for personnel who did	
not have access to the Sensitive Compartmented Information Facility.	
2. (U) GENERAL COUNSEL ACTIVITIES	
-/G//OT) MI NIGA /GGG OGG	
-(C//SI)-The NSA/CSS OGC reviewed various intelligence activities of the NSA/CSS	
to determine whether they were conducted in accordance with applicable statutes, EOs, AG procedures, and DoD and internal directives. The OGC advised Agency	
elements on a number of questions, including the collection and dissemination of	
communications of, or concerning U.S. persons; the reporting of possible violations	
of federal criminal law contained in SIGINT product; the testing of electronic	
equipment, and the applicability of the Foreign Intelligence Surveillance Act	
(FISA). With few exceptions, the issues presented were routine and indicated that	
the operating elements understand the restrictions on NSA/CSS activities.	
2 /UN CIGINT ACTIVITIES	
3. (U) SIGINT ACTIVITIES	
a(S//SI) Collection Against U.S. Persons	
(b) (3) -P.L. 86-3	6
(1) (U) Intentional	
a(TS//SI) During this quarter, the Director, NSA/Chief CSS	
(DIRNSA/CHCSS) granted approval for consensual collection against U.S.	
persons. DIRNSA/CHCSS also approved non-consensual collection of U.S.	
companies openly owned and controlled by a foreign government, U.S.	
Government employees held captive by foreign U.S. citizens taken	
hostage	
DIRNSA/CHCSS-approved consensual collection	
against U.S. persons was routinely terminated this quarter.	
(b) (1) (b) (3) -P.L. 86-36	
2 (b)(3)-18 USC 798	,
— TOP SECRET//COMINT//NOFORN//20301129 (b) (3) -50 USC 3024	(i)

	b. (S//SI) The AG granted authority to c persons overseas during this quarter.	ollect the communicati	ons of U.S.
	persons overseas during tins quarter.		(b) (1)
	(2) (U) Unintentional		(b)(3)-P.L. 86-36
	a. <u>(S//SI//NF)</u> This quarter, there were inadvertently collected communications to, from pursuing foreign intelligence tasking. All of the responsible oversight officials, and corrective as	n, or about U.S. person e incidents were reporte	ns while
	[1] (TS//SI//NF) One of theincident action by a analyst. Upon lection was of U.S. person	s was compounded by earning that the inadv	
[Upon learning of th the analyst to immediately delete the intercept	e incident managemen and was provided remo	1 /
	database query for an email address but inadve	ed results. Realizing t	he address.
(b) (1) (b) (3) -I	b. (IJ//₹ĐUO) Dissemination of U.S. Identities		(b) (1) (b) (3) -P.L. 86-36 (b) (3) -18 USC 798 (b) (3) -50 USC 3024(i)
	(1) (U) Intentional	(b)(1) (b)(3)-P.L. 86-36	(5)/(5)/ 50 050 5024(1)
	(a) (S//SI during this quarter, a passed raw traffic containing threat information	n to	A
	make included to Carilitate matiCasting but the	but the names of the	U.S. persons
	were included to facilitate notification by the		(b)(1) (b)(3)-P.L. 86-36
	(b) (S//SI) In accordance with section Intelligence Directive (USSID) SP0018, U.S. ide times during this quarter. The following table number of instances of dissemination. In the "I	entities were dissemina shows the justification	ated and the
	U.S. identity was revealed in a serialized end p		\$ ************************************
	Request" column, a U.S. identity was released t	o a user at the user's r	
	of the disseminations occurred in a shared the report with the		The
	shared the report with the		
		and the state of t	
	3		(b) (1) (b) (3)-P.L. 86-36

JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL
7.2.c Necessary	1.00	The second section of the second section is a second section of the second section sec	
7.2.c.1 Foreign Official	\top		
7.2.c.3 International Narcotics			
7.2.c.4 Criminal Activity			
7.2.c.7 U.S. Government Official	T		
TOTAL USC 3024(1)			
a. (S//SI) During this quarter, to cancelled SIGINT products because organizations, or entities. problem identities of U.S. persons or based on to as U.S. persons. In all instances,	they contained oducts were reis	the identities of Usued after miniming reports contains	zation. ing the
not reissued or were reissued with the c. (TS//SI/NF) An incident invoccur the OIG by NSA's allegedly contained in a graphic chart of in and outside of NSA. An OIG inquiry	volving the possi red that may have by has been taske	ble dissemination and was re The da een shared during	ported to ata was briefings
the incident, which will be reported up	on completion.		(b)(3)-P.L.
	_	Production Ch	ain b) (1)
the incident, which will be reported up	_	r Production Ch	
(3) (U) Raw Traffic Dissemina (S//SI)	ation — SIGINT	nnel are trained b	ain b) (1) (b) (3)-P.L.

		(b)(3)-P.L. 86-3
SID during this quart	er included representatives of the	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
SIZ daring ting quart	ser meradea representatives of ting	<u> </u>
		\setminus
		1
		(b) (1) (b) (3)-P.L. 86-36
4. (U) Other Activ	ities (b)(1)	(b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)
	(b)(3)-P.L. 86-36	
a. (U// FOUO) FISA In	cidents	//
(4) (50,000)		
	man error allowed collection to continu	_ , ,
expiration of a FISA a		rior to the expiration,
an NSA analyst reque	the authorization was renewed.	aced in an inactive
conection status until	the authorization was renewed.	
		\
	e were no reports issued on the collection	n, and the intercept
was destroyed.	(b)(3)-P.L. 86-36	
(9) (PQ//QT/NTD) D		towart that has been
on collection since	ompted by an increase in activity from a	_
learned that	an NSA analyst researched	the increase and
	ope authorized by FISA Court.	the (b)(1)
were outside of the se	ope dumorized by 1 ion court.	(b)(3)-P.L.
		/
		Although there was
no reporting resulting	from the collection, the data was not re	emoved from the
databases and until	As a result of this incid	lent, (b) (1)
		(b) (3) -P.L. 86
		
	ring a baseline collection review of a FIS	
	stances of unauthorized targeting of	that were
believed to be associa	ted with the target.	
		(b)(1) (b)(3)-P.L. 86-36
L. 86-36	5	(b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)
. 00-30	J	(0)(3)-30 030 3024(1)

TOP SECRET//COMINT//NOFORN//20301129

DOCID: 4165194 TOP SECRET//COMINT//NOFORN//20301129 (b) (3)-P.L. 86-36 (b)(3)-P.L. 86-36 (b) (3) -18 USC 798 (b) (3) -50 USC 3024(i) (a) (TS//SI/NF) while conducting a baseline review of a target because of increased activity, an NSA analyst noticed that were unfamiliar. Extensive research led analysts to conclude that the target Collection was terminated on During the period of targeting from there were instances of collection, all of which have been destroyed. The collection did not result in reporting. (b) (TS//SI//NF) As a result of reviewing a target an NSA analyst learned that a person Further research associated the user with outside of the Foreign Intelligence Surveillance Court (FISC) approved target. The and all intercept was deleted. There were no reports issued as of result of the collection. (b)(1)(b)(3)-P.L. 86-36 (c) (TS//SI//NF) discovered that that was thought to be associated with a may have Targeting was discontinued while an NSA analyst researched further. an NSA analyst confirmed that the targeted was actually The unauthorized collection was deleted, and no reports were issued as a result from the invalid collection. (d) (TS//SL/NF) A second instance of a was also discovered on 798 3024(i) that the user was it was determined on On that date, targeting ceased and unauthorized collection was destroyed. No reports were generated as a result of the unauthorized collection. (b)(3)-P.L. 86-36 (4) (TS//SI//NF) There were linstances of unintentional collection of U.S. persons during this quarter, There were no reports issued as a result of the collection. (5)(TS//SI/NF)Onl the telephone numbers were authorized for tasking under a valid FISA Court Order. Although approved for collection, the telephone numbers were not tasked until when the new order,

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(b)(3)-P.L. 86-36

(b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

which was to have the telephone numbers included, was	s signed.
tasked the telephone numbers	
the numbers were unintentionally omitted from the new co	_
	new court order did not
contain the numbers. The resulting intercept was imme	
no reports were issued based on that unauthorized intercept	
procedures for implementing a signed court order was cond	
	-
process weakness and to reduce the risk of future incidents	5.
b. (U// FOUO) Unauthorized use of a SIGINT Database	
(S) NSA is working with the to identify the facts surr	ounding a reported $(3)^{(1)}_{(3)-P.L.}$ 86-36
misuse of a SIGINT Database by an employee. Allege	edly, the employee
and the state of t	
The results of the inquiry will be re	ported upon completion.
c. (U// FOUO) Misuse of the U.S. SIGINT System	
-(TS//SL//NF) As a result of receiving advanced training on I	USSID SP0018 and
associated SIGINT directives, an NSA intern reported that	
misused the SIGINT System to target his foreign girlfriend	
The OIG is investigating the alleged violation and will repo	
inquiry.	
The state of the s	b)(1) b)(3)-P.L. 86-36
d. (U) Assistance to Law Enforcement	
u. (0) Addistance to Law Emolocinent	
-(S//SI) During this quarter, the SID responded to	for linguistic support
and for administrative assistance from the	
	respectively.
e. (U) Working Aids	
(1) (U// FOUO) The SID Office of Oversight and Complian Identities in SIGINT" and a matrix of dissemination authors and the NGA (GGC P. I.	rities on its web page for
use by the NSA/CSS Enterprise. The E.O., NSA/CSS Police	_
Regulation 5240.1-R, and USSID SP0018 are also available	e on-line.
(2) (U// FOUO) The NSA/CSS NTOC created and implem	
Operating Procedures (SOP) governing SIGINT and Inform	
4	handling and reporting
procedures governing the NTOC activities that affect U.S.	Persons.

SECURITY CLASSIFICATION

NSA STAFF PROCESSING FORM

DIRECTOR EXREG CONTROL NUMBER		KCC CONTROL NUMBER IG-10600-06		UMBER 06
D/DIR DSECTOR	TAR TAT	ACTI	ON APPROVAL	EXREG SUSPENSE
(U//FOUO) Quarterly Report to the Intelligence Oversight Board on NSA Activities—First Quarter FY06			SIGNATURE	KCC SUSPENSE ELEMENT SUSPENSE
DISTRIBUTION			INFORMATION	

SUMMARY

PURPOSE: (U//FOUO) To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

BACKGROUND: (U//FOUO) Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. The enclosed memorandum covers all reportable activities known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. The Director's signature signifies that no other activities that require reporting are known to him.

RECOMMENDATION: (U) Director sign the enclosed memorandum.

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√(b)(3)-P.L. 86-36

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		COORDINATION	PPROVAL		
OFFICE	NAME AND DATE	SECURE	OFFICE	FFICE NAME AND DATE SECUP	
GC	Robert L. Deitz	1/00 5548s	D05	2/24	3201
AGC(O)		3121s	7		
IG	Joel F. Brenner	3544s			
D/IG		3544s			
AIG(IO)		3544s	,		
ORIGINATOR			ORG. D11	PHONE (Secure) 963-2984	DATE PREPARED 10 February 2006
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